

**FILED**  
JUN 30 2010  
By PATRICK E. DUFFY, CLERK  
DEPUTY CLERK, MISSOULA

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

|                                    |   |                    |
|------------------------------------|---|--------------------|
| JACKIYA FORD,                      | ) | CV 10-31-M-DWM-JCL |
|                                    | ) |                    |
| Plaintiff,                         | ) |                    |
|                                    | ) | ORDER              |
| v.                                 | ) |                    |
|                                    | ) |                    |
| COUNTY OF MISSOULA, MONTANA;       | ) |                    |
| FRED VAN VALKENBURG, Missoula      | ) |                    |
| County Attorney; DOROTHY           | ) |                    |
| BROWNLOW, Missoula Deputy County   | ) |                    |
| Attorney; DEBBIE MERSEAL,          | ) |                    |
| Supervising Clerk; KIM COX, Deputy | ) |                    |
| County Clerk; SARGENT RIO;         | ) |                    |
| DEPUTY WALROD, Deputy Sheriff;     | ) |                    |
| BITTERROOT VALLEY BANK; and        | ) |                    |
| STATE OF MONTANA,                  | ) |                    |
|                                    | ) |                    |
| Defendants.                        | ) |                    |
| _____                              | ) |                    |

On April 2, 2010, Plaintiff Jackiya Ford filed a Complaint against the

various Defendants seeking redress for their actions. After liberally construing the Complaint, Judge Lynch found it not in compliance with the Federal Rules of Civil Procedure because it failed to provide a “short and plain statement of the claim,” Fed. R. Civ. P. 8(a)(2), and did not state its claims “in numbered paragraphs.” Fed. R. Civ. P. 10(b). Judge Lynch then ordered that Ford file an amended complaint no later than May 14, 2010. On May 25, 2010, after Ford failed to file an amended complaint, Judge Lynch issued Findings and Recommendation that the action be dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b).

On June 9, 2010, Ford filed an Amended Complaint and on June 17, 2010, Ford filed a “Pleading” that has been construed as an objection to the Findings and Recommendation.<sup>1</sup> She is therefore entitled to *de novo* review of the specified findings or recommendations to which she objects. 28 U.S.C. § 636(b)(1). Despite Ford’s filing an amended complaint and objections, I agree with Judge Lynch’s analysis and conclusions. Because the parties are familiar with the factual and procedural background, it will not be restated here.

Ford’s Amended Complaint suffers from the same flaws Judge Lynch

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<sup>1</sup>Objections were due by June 11, 2010, but Plaintiff filed an “Objection” asking for more time to make a proper response. Judge Lynch granted an extension until June 18, 2010 for her to do so.

identified in Ford's original Complaint. Ford has failed to provide a short and plain statement of the basic facts and grounds showing she is legally entitled to relief.

At the same time, Ford's June 17, 2010 Pleading provides no relevant objection as to why she failed to comply with Judge Lynch's prior order to file the Amended Complaint by May 14, 2010, or otherwise why the Court should not dismiss her action pursuant to Fed. R. Civ. P. 41(b).

Accordingly,

IT IS HEREBY ORDERED that Judge Lynch's Findings and Recommendation (dkt #8) are adopted in full;

IT IS FURTHER ORDERED that Plaintiff Ford's action is DISMISSED WITHOUT PREJUDICE, and the Clerk of Court shall close this matter and enter judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

Dated this 30<sup>th</sup> day of June, 2010.



Donald W. Molloy, District Judge  
United States District Court